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In re application of

Kung-Shen Lo

Serial No.10/086,460

Filed: February 28, 2003

For: METHOD OF MAKING STUFFED TOFU AND
THE DEVICE THEREOF

:
: DECISION ON
: PETITION
:

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 C.F.R. § 1.181(a) filed September 17, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 08, 2004, be withdrawn since the applicant did timely file a response on July 13, 2004. (A copy of applicant's response, PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) is attached thereto).

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the USPTO application file reveals that applicant's response, PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a), were properly filed on July 13, 2004, in view of the fact that the originally filed papers having a Patent and Trademark Office date stamp July 13, 2004, thereon have been located in the USPTO application file (It is noted that the associated fees have been charged on July 19, 2004). However, such is not a proper response to the FINAL rejection of March 02, 2004; see 37 C.F.R. 1.113(a) for what constitutes a proper reply. The application is still held abandoned.

The Petition is DISMISSED.

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